IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14001 of 1993

Between:

Commissioner, Municipal Corporation of Hyderabad, Tank Bund Road, Hyderabad.

..... PETITIONER

AND

1 Registrar, the Special Court under A.P B.R.K.R.Govt. Office

Complex II Floor, Tank Bund Road, Hyderabad
2 B.P. Mandal S/o U.Mandal, H.No.6-3-609/29, Anandnagar
Hyderabad.
3 A.Pratap Reddy, S/o Raghava Reddy, R/o Kismathpura

Rajendranagar, Hyderabad
4 P.D.Prasad Rao S/o Bapanaiah, R/o H.No.6-3-596/21,

Venkataramana Colony, Khairatabad, Hyderabad
5 P.V.R.Naidu S/o Adinarayana Naidu, Sri Venkatarmana

Cooperative Housing Society office at 6-3-596/43,
Venkatarmana Colony Khairatabad.
6 J.Chandraiah S/o Laxmaiah, Sri Venkatarmana Welfare

Association Office at 6-3-596/43, Venkataramana Colony,

Khairatabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction preferably in the nature of writ of Certiorari quashing the judgment and decree dated 5-07/1993 in LGC. No. 146/1989 on the file of the

special Court under A.P. Land Grabbing (Prohibition) Act, Hyderabad, the 1st Respondent herein, declaring the open land earmarked for park and play ground in Sri Venkataraman Cooperative Housing Society layout vested in the corporation by virtue of the registered gift deed dated 29/09/1969 executed by the 5th Respondent herein and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Advocate General

Counsel for Respondent No.1: Government Pleader for Revenue

(not present)

Counsel for Respondent Nos.2 to 4: Mr.T.Seshagiri Rao (not present)

Counsel for Respondent No.5: None appeared

Counsel for Respondent No.6:Mr.A.Sitarama Rao (not present)

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki).

This case has been coming up on several occasions. Learned Advocate General appeared for the petitioner. Nobody appeared for the respondents. It appears that the writ petitioner was respondent No.4 in Land Grabbing Case No.146 of 1989, which was decided by the Special Court under the Andhra Pradesh Land Grabbing (Prohibition) Act, on 5th July, 1993. The case had been filed by Housing Society and Welfare Association, claiming that the land under Sy.No.260 had been grabbed by respondents 1 to 3 therein. Petitioner claimed this land to be the land gifted to it by the Society for development of a Park. The Land Grabbing Court, however, came to the conclusion that the schedule property was not part of

Sy.No.260 of Shaikpet village. It came to the conclusion, on the basis of oral and documentary evidence, that the schedule property, for which the suit had been filed, was part of Sy.Nos.94 to 96 in Khairatabad village. Neither the Society nor the Municipality claimed any interest in Sy.Nos.94 to 96. They only claimed interest in Sy.No.260. Since the Land Grabbing Court had come to the conclusion that the suit schedule property was part of Sy.Nos.94 to 96, therefore, it dismissed the suit.

We do not find any ground to interfere in such finding of fact, which is based on evidence let in by the parties and appreciated by the Land Grabbing Court as we are conscious that the matter is being heard in a jurisdiction vested in us under Article 226 of the Constitution of India. However, we would like to make it clear that as the rights of parties, if any, under Sy.No.260 have not at all been settled by the Land Grabbing Court, because it found that the suit land was part of Sy.Nos.94 to 96, if the petitioner has still any grievance with regard to land under Sy.No.260, it is free to take recourse to law. As far as land under Sy.Nos.94 to 96 is concerned, the judgment between the parties is conclusive.

With these observations, the writ petition is disposed of. No order as to costs.

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(BILAL NAZKI, J)

31st August, 2004.

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(S.ANANDA REDDY, J)

vrn

To

1 The Commissioner, Municipal Corporation of Hyderabad, Tank

Bund Road, Hyderabad.

2 Registrar, the Special Court under A.P B.R.K.R.Govt. Office

Complex II Floor, Tank Bund Road, Hyderabad

3 Two C.Cs to the Government Pleader for Revenue, High Court

of A.P., Hyderabad (OUT)

4 Two C.Cs to the Advocate General (OUT)
5 Two C.D copies